

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO.: 03-CR-10367-MEL

UNITED STATES)
)
VS.)
)
JAMES T. RICHARDS)

DEFENDANT'S MOTION TO USE TREASON AS A DEFENSE

Now comes defendant and hereby requests that this Honorable Court allow defendant to use treason as a defense.

As reason therefor, defendant states that he should be able to show that he was committing treason at the time of the alleged offense, and that while treason is normally a crime, there are times when committing treason is okay, as when this country was founded. Thus, the law should acknowledge that it's sometimes okay to be engaged in treason, and it should allow evidence to be presented in support of the defense.

REASONING

Sometimes the government gets too big for its britches. It was during one of those times, when King George III of Great Britain got too big for his britches, that the American colonists committed treason, which was punishable by death. King George's government had done a number of things that were oppressive to the colonists, so they rebelled.

In the same way, defendant rebelled against the government of Massachusetts and the government of the United States because those governments are pathologically incapable of doing what even the most primitive governments in the world can do: protect their children. The governments of Massachusetts and the United States are so far from being able to protect defendant's child that he was forced to take the law into his own hands, in part by making threats. Throughout this period, the government, rather than protect defendant's child and get down to the truth of what was going on, instead protected the abusers of defendant's child during her formative and most impressionable years, even though the child's GAL said the mother had "serious mental problems" and a child psychologist stated that the mother had a number of severe mental problems.

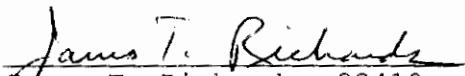
If it was good enough for the founding fathers to commit treason, obviously it may sometimes be okay for their descendants to commit treason, if the conditions warrant it. In fact, we would want citizens to commit treason, if nothing else works, if the issues are

important enough, and the citizen has resorted to all legal avenues of redress which a reasonable person would resort to, to no avail. Whether conditions in any case warrant treason should be a question for the jury, and what exactly should be the parameters of the defense I'll leave to the court. Certainly we want the treason to use the least amount of threats reasonably necessary to obtain the citizen's objective, and we don't want the citizen to use violence unless the threats don't work, and only in cases where the violence committed is justified to obtain the objective, but some good, inventive threats such as defendant made in the instant case seem to be a good way of getting the government's attention to a critical matter if nothing else works, especially where the emotional and physical safety of a child is involved.

The court should allow the defense as part of its long-standing common law function of creating new defenses when conditions warrant it.

August 21, 2005

Respectfully submitted,


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CERTIFICATE OF SERVICE

This is to certify that I, James T. Richards, on this 22nd day of August, 2005 did serve upon George Z. Toscas, U.S. Justice Dept. - CTS, 10th & Constitution Ave. N.W., Room #2734, Washington, D.C. 20530 a copy of "Defendant's Motion to Use Treason as a Defense" via first-class mail, postage prepaid.

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